

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WILLIAM C. SHAW,
Petitioner,
VS.
WASHINGTON STATE,
Respondent.

NO. CV-08-381-EFS

ORDER DISMISSING PETITION

In a January 29, 2009 Order, the Court directed Petitioner William C. Shaw, a Veradale, Washington resident, to show cause why this habeas petition should not be dismissed for failure to exhaust state court remedies to the state's highest court. (Ct. Rec. 3.) In response, Petitioner presented a "Certificate of Finality" issued by the Washington State Court of Appeals, Division III. (Ct. Rec. 4.) This document, however, presents no evidence that Mr. Shaw pursued his claims to the Washington State Supreme Court. Therefore, after reviewing the submitted material, the Court finds that Petitioner failed to show cause why this petition should not be dismissed.

1 Accordingly, **IT IS HEREBY ORDERED:** Petitioner's petition is
2 **DISMISSED** for failure to exhaust state court remedies. See *O'Sullivan*
3 *v. Boerkel*, 526 U.S. 838, 842-43 (1999).

4 **IT IS SO ORDERED.** The District Court Executive is directed to
5 enter this Order, enter judgment of dismissal without prejudice, forward
6 a copy to Petitioner at his last known address, and close the file. The
7 Court further certifies that there is no basis upon which to issue a
8 Certificate of Appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

9 **DATED** this 23rd day of February 2009.

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11 S/ Edward F. Shea
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13 EDWARD F. SHEA
14 UNITED STATES DISTRICT JUDGE
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